

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:)
) Case No. 15-45100-399
Timothy & Jamie Ruark,)
)
) Chapter 13
)
) Objection to Claim #19-1
Debtors.)
)

OBJECTION TO CLAIM AND NOTICE OF OBJECTION

PLEASE TAKE NOTICE: ANY RESPONSIVE PLEADING IN OPPOSITION TO THIS MOTION/PLEADING MUST BE FILED IN WRITING NO LATER THAN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE OF THIS MOTION/PLEADING AS SHOWN ON THE CERTIFICATE OF SERVICE. (See L.B.R. 9013-1 b.; 9061-1 B) THE RESPONSE MUST BE IMMEDIATELY SERVED UPON THE UNDERSIGNED AND UPON ALL ENTITIES DESCRIBED IN L.B.R. 9013-1 A. THE COURT MAY GRANT THE MOTION/PLEADING WITHOUT FURTHER NOTICE TO ANY PARTY UPON EXPIRATION OF THE RESPONSE PERIOD IF NO RESPONSE IS FILED.

IF A RESPONSE OR OBJECTION IS FILED, THE MOVANT, APPLICANT OR CLAIM OBJECTOR SHALL SET THE MATTER FOR HEARING AND PROVIDE NOTICE THEREOF TO THE RESPONDENT AND ALL ENTITIES DESCRIBED IN L.B.R. 9013-1 A.

Come now Debtors, Timothy and Jamie Ruark, by and through their attorney of record, and for their Objection to Claim #19-1, state as follows:

1. Claim #19-1 filed by Cavalry Spv I, LLC in the amount of \$5,252.89 should be denied as filed.
2. The claim was filed as a secured claim, however the claim was not accompanied by proof that the security interest has been perfected.
3. The Yamaha is no longer in the Debtors' possession.
4. Therefore, Claim #19-1 should be denied as filed.

WHEREFORE, Debtors pray the Court enter an Order Sustaining Debtor's Objection to Claim #19-1 filed by Cavalry Spv I, LLC; and for such other and further relief as this Court deems necessary and proper under the circumstances.

Respectfully Submitted,

Brinkman & Alter, LLC

By: /s/ Jennifer Alter
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Certification of Service

The undersigned hereby certifies that a copy of the foregoing Objection to Claim and Notice were served upon the persons listed below by first class mail, postage prepaid this 11th day of November, 2015.

/s/ Laura Jernigan

John V. LaBarge, Jr. *via electronic mail only*
Chapter 13 Trustee
P.O. Box 430908
St. Louis, MO 63143

Cavalry Spv I, LLC
Bass & Associates, PC
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